REMARKS

In response to the Restriction Requirement, Applicants elect the claims of Group II (claims 11, 31, 32, 34, 37, 38 and 40-43) directed to antibodies that bind a polypeptide of SEQ ID NO:1, e.g., as defined in claim 11, as well as compositions thereof, with traverse.

Applicants traverse the restriction on at least the grounds that the Examiner should, upon allowance of the antibody product claims, rejoin the claims to methods of use thereof and methods of making them which are of the same scope as the allowed product claims, specifically the claims of Group IV (claims 30, 33, 35 and 44, drawn to a diagnostic test or method of detecting a polypeptide suing an antibody), Group V (claims 36 and 39, drawn to a methods of producing antobodies) and Group VI (claim 45, drawn to a method of purifying a polypeptide using an antibody). See, e.g., the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products.

Applicants further traverse on the grounds that the Examiner could also examine the claims of Groups I and III without undue burden, in view of the fact that they are related to, although of different scope from, claims already allowed in the ancestor applications. For the Examiner's convenience, those claims are as follows:

5,985,604:

1. An isolated and purified polynucleotide fragment encoding a polypeptide comprising the amino acid sequence of SEQ ID No:1.

2. A hybridization probe comprising the polynucleotide fragment of claim 1.

3. An isolated and purified polynucleotide fragment comprising SEQ ID No:2.

4. An isolated and purified polynucleotide fragment which is completely complementary to the polynucleotide of claim 1.

5. A hybridization probe comprising the polynucleotide fragment of claim 4.

6. An expression vector comprising the polynucleotide of claim 1.

7. A host cell containing the expression vector of claim 6.

8. A method for producing a polypeptide comprising the amino acid sequence of SEQ ID NO:1, the method comprising the steps of:

a) culturing the host cell of claim 7 under conditions suitable for the expression of the polypeptide; and
b) recovering the polypeptide from the host cell culture.

9. A method for detection of a polynucleotide encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:1 in a biological sample containing nucleic acid material, the method comprising the steps of:
a) hybridizing the polynucleotide of claim 4 to the nucleic acid material of the biological sample, thereby forming a hybridization complex; and
b) detecting the hybridization complex, wherein the presence of the hybridization complex correlates with the presence of the polynucleotide encoding the polypeptide in the biological sample.

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1. An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:1.

2. An isolated polypeptide of claim 1, consisting of the sequence of SEQ ID NO:1.

3. A composition comprising a polypeptide of claim 1 and a pharmaceutically acceptable excipient.

4. A composition of claim 3, wherein the polypeptide consists of the sequence of SEQ ID NO:1.

5. A method for screening a compound for effectiveness as an agonist of a polypeptide of claim 1, the method comprising:
a) exposing a sample comprising a polypeptide of claim 1 to a compound, and
b) detecting agonist activity in the sample.

6. A method for screening a compound for effectiveness as an antagonist of a polypeptide of claim 1, the method comprising:
a) exposing a sample comprising a polypeptide of claim 1 to a compound, and
b) detecting antagonist activity in the sample.

Applicants additionally submit that in any case, there is minimal additional burden on the Examiner to examine the claims of Groups I and III in addition to the claims of Group II, particularly in view of the additional burden on Applicants to file, prosecute and maintain yet additional applications in this family, and respectfully request that the Examiner consider doing so.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108.**

Respectfully submitted,

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